

January 19, 2000

IM

To: Field Managers, Nevada  
Deputy State Directors and Office Chiefs, NSO

From: State Director, Nevada

Subject: Nevada Bureau of Land Management's Closure Policy for Water Rights for Hardrock Mining Activities

ISSUE: A number of mining operations that were originally permitted in the 1980's have or are preparing to cease mining operations. Several Bureau of Land Management (BLM) field offices have raised issues concerning closure or final reclamation procedures under the Surface Management Regulations (43 CFR 3809) for these operations. The issues range from the adequacy of the original National Environmental Policy Act (NEPA) compliance documentation to specific technical issues such as land application of water.

Under the guidance of the Nevada BLM State Leadership Team, a task force was formed to address these issues, including formulating policy and developing a guidance document. Make up of the task force included field and state office specialists and managers.

The policy and guidance document was prepared in coordination with the Federal and State regulatory and management agencies. In addition, input was solicited from interest groups, including environmental interests and environmental groups.

POLICY: It is the policy of the Nevada BLM that reclamation, including closure, of hardrock mining operations be initiated and completed in a proper manner to ensure the protection of the public lands under its jurisdiction. It is the responsibility of the BLM to protect the long term health of the public lands. Authorization to allow the release of contaminated waters into the environment must be in compliance with the Clean Water Act, Safe Drinking Water Act, Nevada Groundwater Protection Act, Endangered Species Act, other applicable environmental laws and consistent with BLM's multiple use and resource protection responsibilities under the Federal Land Policy and Management Act (FLPMA).

It is the policy of the Nevada BLM that all modifications to an approved Plan of Operations regarding closure will be reviewed and approved by the authorized officer under 43 CFR 3809. Any Federal decision to approve a modification to an approved Plan of Operations, including changes to the closure plan, must be in compliance with the requirements of NEPA.

It is the policy of the Nevada BLM to coordinate and collaborate to the fullest extent practical with the State regulatory agencies responsible for the permitting and oversight of mine

reclamation and closure activities. Where appropriate, the BLM will utilize the State environmental regulatory requirements, guidance and standards as the base for its analyses and reviews. The BLM recognizes the State's authority under the Clean Water Act, Safe Drinking Water Act, and Nevada Groundwater Protection Act and in carrying out its responsibilities under FLPMA will rely on the State's decisions pursuant to that authority.

It is the policy of the Nevada BLM that the operator must have in-place an adequate financial guarantee to cover all actual and anticipated reclamation costs and obligations defined in the approved Plan of Operations. Operators of hardrock mining operations are financially responsible for all costs associated with reclamation and closure activities including anticipated long-term maintenance and monitoring costs. Surety bonds or some other financial instrument will be maintained to ensure the public is not financially burdened by obligations.

**IMPLEMENTATION:** The "Nevada Bureau of Land Management's Guidance for Hardrock Mining Closure Activities" (attached) is intended as a guide in meeting the requirements of this policy. Specifically the attached document provides guidance to the BLM in meeting its responsibilities to ensure the evaluation and analysis of potential impacts to surface waters, groundwaters and vadoze zones. The appropriateness of the individual discussions will depend on the issues being addressed and the decisions being made.

**CONTACT PERSON:** Questions concerning this policy or the attached guidance document should be directed to Dr. Tom Olsen, BLM Nevada State Office, Division of Mineral Resource Management at 775-861-6451.

**Attachments:** (1) Nevada Bureau of Land Management's Guidance for Hardrock Mining Closure Activities

(2) Nevada Department of Environmental Protection, Bureau of Mining Regulation and Reclamation, Reclamation and Closure Process

(3) Nevada BLM Mining Process for Plans of Operations, Authorized by 43 CFR 16.109